



IMO

E

SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
38th session
Agenda item 12

STW 38/12/8
17 November 2006
Original: ENGLISH

COMPREHENSIVE REVIEW OF THE STCW CONVENTION AND THE STCW CODE

Review Process and issues for review

Submitted by the United States

SUMMARY

Executive summary: MSC 81 instructed the STW Sub-Committee to undertake a comprehensive review of the STCW Convention and the STCW Code. As a first step, the STW Sub-Committee is instructed to define the issues to be reviewed and to advise the Committee accordingly. In order to fulfil this first step, the United States proposes following a simple process that entails developing a philosophy and the identification of parameters to focus the direction of the review; and the identification of the issues to be reviewed.

Action to be taken: Paragraph 8

Related documents: STW 38/12, MSC 81/25 and STW 37/18

Background

1 The Sub-Committee on Standards of Training and Watchkeeping (STW), at its thirty-seventh session, considered the need for a comprehensive review of the STCW Convention and the STCW Code and subsequently invited the Committee to add a new item to its work programme and agenda for STW 38. The Maritime Safety Committee (MSC), at its eighty-first session, considered the proposal from STW 37 and instructed the Sub-Committee to define, as a first step, the issues to be reviewed and to advise the Committee accordingly. Following the Committee's endorsement, as a second step, the Sub-Committee would carry out the authorized review in a systematic and organized manner.

2 The United States wholeheartedly supports the comprehensive review of the STCW Convention and the STCW Code. The United States also believes that the STCW Convention has already provided an instrument that has helped make great progress in the establishment of minimum standards of competence for seafarers. Therefore, the comprehensive review should be done with care. To assist the Sub-Committee to identify the issues to be included under the review, the United States is proposing to follow a simple process that includes the development of a philosophy and the identification of parameters to guide the review.

Discussion

3 The United States believes that the success of any regulatory review is dependent on the process and the philosophical approach to the review. We believe that the philosophical approach for the comprehensive review of the STCW Convention and the STCW Code has already been discussed and indirectly identified during the discussions at STW 37 (STW 37/18, annex 7, paragraph 1) and MSC 81, i.e., “To refine the Convention and Code and to include new technology and new training in support of new issues identified by other instruments”.

4 In addition, the United States is proposing the identification of parameters, in support of the philosophy, that will establish the boundaries for the review while encompassing the various issues. These parameters were derived from the preliminary discussions that led to the decision to undertake the comprehensive review. Although these parameters are not all-inclusive, they provide a logical starting point for the discussion of the issues to be considered during the review. The parameters are as follows:

- .1 **Inconsistencies** – issues that account for inconsistencies within the various chapters of the Convention and Code.
- .2 **Interpretations** – issues arising from inconsistent interpretations of the various standards.
- .3 **MSC issues** – issues already identified and agreed upon by MSC.
- .4 **Circulars** – issues that were addressed through MSC and STCW circulars or other like instruments that should be included in the Convention or Code.
- .5 **Technological advances** – issues arising due to new advances not yet accounted for in the Convention, such as developing training for new equipment required under other Conventions and incorporating new innovative training and assessment methodologies.

5 The United States recognizes that amendments to address the issues identified following an agreed philosophy and parameters will generate consequential amendments. Furthermore, we recognize that we cannot predict the extent of the consequential amendments; however, we believe that these amendments are necessary to ensure that we do not generate new inconsistencies.

6 Following the philosophy and the parameters outlined in the above discussion, the United States identified a number of issues that require review as set out in the annex.

Recommendation

7 Based on the above discussion, the United States proposes using a simple process to define the issues to be reviewed. The process entails: 1) agreement on a philosophy, 2) identification of overriding parameters to focus the direction of the review, and 3) identification of the issues. Furthermore, the United States submits the information contained in the annex for consideration when identifying the issues to be reviewed.

Actions requested of the Sub-Committee

8 The Sub-Committee is invited to take note of the above recommendation and take action as appropriate.

ANNEX

ISSUES IDENTIFIED

Issues associated with Inconsistencies

1 Regulations I/11 and VI/1, Section A-VI/1 – Issues associated with Basic Safety Training

There is a conflict between the requirements to provide proof for achieving/maintaining continued proficiency (within the previous five years) in Basic Safety Training and the revalidation requirements in Regulation I/11 (Table B-I/11). In addition, there is a need to provide clarification of what evidence of having achieved/maintained continued proficiency on Basic Safety Training is required.

2 Regulation III/1 – Differences in the use of the term education and training

Regulation III/1 – In paragraph 2.3 education and training is measured using length of time (30 months). Education and training should be based upon meeting the standard of competences, as done in Regulation II/1, paragraph 2.5.

3 Chapter II – Consistency in the display of Endorsements

There needs to be consistency in the inclusion of endorsements on the technological equipment (ARPA vs. GMDSS – Reg IV/2). Per Table A-II/1, not having ARPA is required to be shown as a limitation (not all vessels are required to carry ARPA); however, GMDSS endorsement is required if the individual meets the requirements.

4 Regulation VI/2 and Section A/VI/2 - Proficiency in survival craft and rescue boats for seafarers serving on vessels not provided with lifeboats

All seafarers who are required to hold a certificate of proficiency in survival craft must meet the minimum requirements in Section A/VI-2, which includes lifeboat operation. There are a number of seafarers holding an STCW certificate of competency under Regulation II/3, serving on board ships of less than 500 gross tonnage and not fitted with a lifeboat. The Convention does not consider any exemption or waiver of the requirement (or parts of the requirement) for seafarers working on board vessels not fitted with a lifeboat.

5 Regulation V/1 and Section A/V-1 – Redraft following the existing STCW structure

Existing Section A/V-1 is drafted using a course style approach, which is not consistent with the table of competence approach used in the rest of the Convention.

6 Regulations III/2 and III/3 – Consistency in the near-coastal voyages provisions for engineers

The near-coastal voyages provisions in Sections A-III/2 and A-III/3 allow for the use of variations in the standards of competence for officers engaged in vessels with limited propulsion power. The provisions do not have a limit on the propulsion, but rather its application is limited by the individual section titles (3,000 kW or more and between 750 kW and 3,000 kW respectively). Section A-III/1 provides a similar provision however; its application is limited to officers engaged on ships powered by main propulsion machinery of less than 3000 kW.

Issues associated with inconsistent interpretations

7 Regulation I/10 - Consistency among Administrations in the application of the Recognition of Certificates requirements

There is a need to clarify the level of the “necessary measures” that an Administration must undertake in order to endorse another Administration’s certificates to ensure compliance with the Convention requirements.

Issues associated with technological advances

8 Present and future inclusion of technological advances into the Convention

There is a need to develop an approach on how to review the Convention when addressing technological advances while continuing to provide a flexible instrument. Technologies are constantly changing and new equipment is being added to the vessels by various instruments from IMO, therefore new training is required.

Issues that were addressed through MSC and STCW circulars or other like instruments

9 Regulation I/8 - Terms of reference for the independent evaluator

STW 36 agreed that any changes to training, assessment of competence, certification, endorsement and revalidation activities emanating from an amendment to the Convention would be covered under the evaluation required pursuant to regulation I/8 (STW 36/17, paragraph 12.21). The terms of reference are necessary to ensure that the Parties are implementing the new or amended regulations that have entered into force on or after the last independent evaluation. It is also necessary for the independent evaluator to audit the system with reference to the requirements of the STCW Convention and not the regular quality standards systems prevalent in other industrial organizations.